

## ARTICLE III

### AMENDMENTS

#### Section 1 - General

- A. The Comprehensive Plan may be amended whenever the public health, safety, convenience, and general welfare would be best served by such amendment.
- B. All amendments shall follow the procedures set forth in this Article.

#### Section 2 - Amendment Initiation

- A. An amendment to the Comprehensive Plan may be initiated by any of the following:
  - 1. County Board
  - 2. County Planning Commission
  - 3. Any sub-county government or district
  - 4. Any County property owner, resident or their agent
- B. Prior to submitting a petition to amend, the applicant shall discuss with the Planning Director the information to be contained in the amendment petition. The information submitted shall include at least the following: Name and address of petitioner(s); legal description of property involved, scale drawing of property described and any structures contained thereon, scale drawing of property and structures within 1/4 mile, and a detailed statement of the justification for the proposal which addresses the criteria enumerated in Section 3 F. below.
- C. The Director shall review the petition to determine the adequacy of information contained in it within fifteen days of submission. The petition shall contain all information required in Section 2 B of this Article. The petitioner shall have the burden of proof in demonstrating the need for an amendment.
- D. The Director may require additional information if it is determined that the petition does not adequately describe the intent and impact of the amendment.

#### Section 3 - Approval Procedure

- A. Within 15 days of the determination of adequacy of the petition, the Planning Director shall notify and provide a reasonable description of the proposed amendment to the following, if they are affected by the proposal:
1. Town Board within two miles of the proposal.
  2. Municipalities within two miles of the proposal.
  3. County Departments.
  4. Official newspaper if notification of individuals affected would not be practical.
  5. Any other individuals, districts, agencies or governments affected by the proposed amendment at the determination of the Planning Director.
- B. The Planning & Zoning Department, along with those notified, shall have up to sixty days to review and comment on the petition. This review period may be terminated upon receipt of comment from all agencies and individuals notified, excluding the official newspaper. At the next regularly scheduled meeting of the Planning Commission after thirty days of the review period have passed, the Planning Commission may, after a review of the application and other available information:
1. Extend the review and comment period for up to an additional sixty days, or
  2. If it is determined that no extension of the review period is necessary, initiate a Zoning Ordinance Map amendment and call a public hearing on the map amendment to coincide with the hearing on the plan amendment. The Commission shall, at this time, establish a public hearing date for the review of the plan amendment, which shall be as close to the area involved and as soon as practicable.
- C. At least 10 days prior to the public hearing, the following shall be notified of the time and location of the hearing:
1. Town Boards and Municipalities affected by the petition
  2. Special districts affected by the petition
  3. Official newspaper
  4. The petitioner

5. Any other persons, governments, and agencies as determined by the Planning Director or Planning Commission
- D. The public hearing may be held at a regular or special meeting of the Planning Commission and the hearing may be recessed to a later date or location.
- E. By the next regularly scheduled meeting, the Planning Commission shall vote on the petition. The Commission may only approve the petition if the following criteria are met:
  1. The petitioner has shown the need for the amendment, which shall include addressing either of the following:
    - a. Substantial change has occurred in the community since the adoption of the plan, or
    - b. A need for refinement or revision of the plan is necessary due to an oversight or misinterpretation in the original preparation of the plan.
  2. The change will not adversely affect the surrounding area.
  3. There shall exist a clear public need for and benefit from the proposed change, which shall be above and beyond any benefit or convenience to the land owner.
  4. Beyond a public need being evident, there shall be a showing that the public interest would be best served by a change in the designation of the property in question rather than other property in the community.
  5. In the case of a plan amendment which would result in a lower density requirement for each principal use, the amendment shall allow the property owner a reasonable use of his property under the terms of the existing St. Louis County Zoning Ordinance and other official controls, as well as serve the public interest.
- F. The Town Boards and Municipalities affected by the Commission's decision shall be notified of any action taken by the Commission.
- G. The recommendation of the Planning Commission shall be forwarded to the County Board for final action.

#### Section 4 - Alternate Approval Procedure

Realizing that working with a plan and the implementation tools may indicate areas for refinement or revision, an alternate review procedure may be utilized by the Planning Commission.

- A. The alternate procedure is available for use only if approved for use by the Planning Commission within twelve months of initial adoption of the plan.
- B. A request to use the alternate procedure must be submitted no later than ten days before the next regular meeting to the Planning Commission for review, who shall decide whether the procedure is an appropriate and adequate technique for the review of the proposal. Items to be considered in making this determination include:
  - 1. Complexity of the proposal.
  - 2. Potential for impact on the surrounding area.
  - 3. Potential for inclusion of a larger area in the plan amendment.
  - 4. Degree of difficulty with the implementation of the existing plan and rationale for the proposal.
- C. The procedures outlined in Section 3 above shall be used in the alternate procedure, with the exception that the review and comment period shall extend for a period of thirty days and that no extension of the review period shall be possible.

## EFFECTUATION

- Section 1 - This Amendment to Ordinance No. 27, Article III, shall take effect and be in full force on the 1st day of December, 1979, after its adoption by the St. Louis County, Minnesota, Board of Commissioners.
- Section 2 - Public hearings were held by the St. Louis County Planning Commission on November 8, 1979.
- Section 3 - Recommended by the Planning Commission for adoption by the County Board on November 8, 1979.
- Section 4 - Commissioner Hall moved the adoption of this Amendment and Commissioner Dodge duly seconded the motion and it was adopted on the following vote:

Yeas: Commissioner Doty, Kron, Dicklich, Dodge, Hall, Hoff

Nays: None

Absent: Shannon (excused)

Abstain: None

This Amendment was declared adopted by the St. Louis County Board of Commissioners on the 26th day of November, 1979.

Edwin H. Hoff  
Chairman, County Board

Certified as a complete and accurate  
copy of Amendment to Ordinance No.  
27, Article III.

Russell Petersen  
RUSSELL PETERSEN, County  
Auditor

ATTEST:

Raymond C. Carlson  
Raymond C. Carlson, Deputy Auditor  
Clerk of the County Board

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